

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

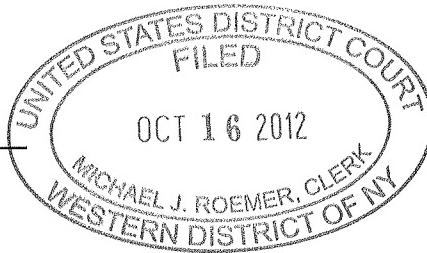
DORIS REDFERN-WALLACE,

Plaintiff,

-v-

BUFFALO NEWS and
CWA LOCAL 81,

Defendants.



DECISION AND ORDER
12-CV-471A

Plaintiff in this employment discrimination action, who has been granted leave to proceed *in forma pauperis*, stated in her complaint that she had received a notice of right to sue letter from the Equal Employment Opportunity Commission (EEOC) on April 4, 2012 but she did not attach the letter to the complaint. Because receipt of a right-to-sue letter is a pre-condition to an action under Title VII of the Civil Rights Act of 1964, see *Francis v. City of New York*, 235 F.3d 763, 767-68 (2d Cir. 2000), the Court, by Order filed June 29, 2012 (Docket No. 3), stayed the action, and directed plaintiff to file the right-to-sue letter, if any, or, if she had not in fact receive such notice from the EEOC, to show cause why the complaint should not be dismissed without prejudice to re-filing within 90 days after receipt of a notice of right-to-sue letter.

Thereafter, plaintiff filed, on July 9, 2012 (Docket No. 4) a somewhat confusing letter which stated that she had not yet received the right-to-sue letter, but that she wished her action to proceed on the basis of the "last letter" she had

received, which may be a reference to the New York State Division of Human Rights Determination letter that was attached to the complaint. However, plaintiff subsequently filed two EEOC notice of right-to-sue letters, one dated September 12, 2012 (Docket No. 5) and the other dated September 28, 2012; both letters reference as the respondent The Buffalo News, Inc.

Accordingly, the Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated: Oct 11, 2012